IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 1448 (S/S) of 2005

Phool Singh,
presently posted as Ziledar,
Nalkup Khand, Irrigation Department,
Dehradun.

…….Petitioner.

Versus

1. Chief Engineer (Ganga Valley) Irrigation Department, Uttaranchal, Dehradun.
2. Executive Engineer, Nalkup Khand, Irrigation Department, Uttaranchal, Dehradun.
3. Sri Chait Ram Dabral, presently posted as Ziledar, Nalkup Khand, Irrigation Department, Dehradun.

…….Respondents.

Hon'ble M.M. Ghildiyal, J.

Heard Sri V.K. Bisht, Sr. Advocate assisted by Sri Sudhir Singh, leaned counsel for the petitioner and leaned standing counsel for the State of Uttaranchal, on behalf of respondents.

Petitioner, who is working as Ziledar in the Irrigation Department, Dehradun, has been transferred to Irrigation Division-I, Tehri by Chief Engineer (Ganga Valley), Irrigation Department, Uttaranchal vide its order dated 30.06.2005. The Executive Engineer under whom the petitioner was working has sent a latter dated 11.07.2005 requesting the Superintending Engineer, Irrigation (Construction Circle) Dehradun, to take necessary action to stay the effect of transfer order of the petitioner for at least one year, in view of the fact that,

according to the standard fixed the Construction Circle, requires at least 3 Ziledars whereas only one Ziledar (i.e. the petitioner) is posted there and that too has been transferred.

Learned counsel for the petitioner has submitted that Superintending Engineer has not taken any decision on the letter of Executive Engineer dated 11.07.2005.

Learned counsel for the petitioner has further submitted that petitioner's children are studying in ITI, Dehradun and in view of the recommendation made by the Executive Engineer for stay, the petitioner was under the genuine and bonafide impression that his transfer order 30.06.2005 has been stayed as he has not been relieved from Dehradun. And in case, petitioner is now being relieved in pursuance to the transfer order dated 30.06.2005 he will have to face a lot of difficulties in the mid session.

In view of the aforesaid circumstances, without going into the merit of the case, I find it just and proper to direct the respondent no. 1 to take decision on the recommendation letter dated 11.07.2005 made by the Executive Engineer, Dehradun for staying the petitioner's transfer for at least one year, within a period of two weeks form the date of production of certified copy of this order.

With this direction the writ petition is disposed.

(M.M. Ghildiyal, J.)

September 30, 2005
SKSharma